## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

ALICE MARIE RIDING and	)	
ROBIN RIDING,	)	
Plaintiffs,	)	
V.	)	No. 4:24-cv-00617-DGK
UNITED CONSUMER CREDIT UNION, et al.,	)	
Defendants.	)	

## ORDER DISMISSING CASE FOR LACK OF JURISDICTION

This pro se lawsuit arises from a non-judicial foreclosure of residential property located at 8409 East 116th Street, Grandview, Missouri 64134 (the "Property"). Plaintiffs' complaint challenges the foreclosure and subsequent sale of the Property based on Defendants' alleged violations of the Truth in Lending Act and the Fair Debt Collection Practices Act.

Now before the Court is Plaintiffs' motion to proceed without payment of fees, ECF No. 1, and their motion for a preliminary injunction, ECF No. 3. Because the Court lacks jurisdiction to hear this dispute pursuant to the *Younger* abstention doctrine, the lawsuit is dismissed without prejudice.

The threshold question for the Court in this case and in every case is whether it possesses jurisdiction to hear the dispute; that is, whether the Court is authorized or possesses the power to adjudicate the lawsuit. Under *Younger* abstention, a federal district court cannot exercise jurisdiction over a case when "(1) there is an ongoing state proceeding, (2) which implicates important state interests, and (3) there is an adequate opportunity to raise any relevant federal questions in the state proceeding." *Plouffe v. Ligon*, 606 F.3d 890, 892 (8th Cir. 2010) (citation

omitted). If Younger abstention applies, "the district court generally must dismiss the action."

Tony Alamo Christian Ministries v. Selig, 664 F.3d 1245, 1251 (8th Cir. 2012) (citation omitted);

see also Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter

jurisdiction, the court must dismiss the action.").

In the present case, Plaintiffs have three ongoing state proceedings in the Circuit Court of

Jackson County, Missouri, concerning the foreclosure and sale of the Property. See All Pro 2 LLC

v. Alice Riding, et al., No. 2416-CV15243 (unlawful detainer); Alice M Riding v. United Consumer

Credit Union, et al., No. 2416- CV24763 (unlawful foreclosure); Alice M Riding v. United

Consumer Credit Union, et al., No. 2416- CV24756 (unlawful foreclosure). These state

proceedings raise the same claims and arguments presented here. Further, these proceedings

implicate an important state interest, namely unlawful detainer which is governed by Missouri

statute. See Mo. Rev. Stat. § 534.030; see also Boyer v. Scott Bros. Inv. Corp., No. 4:11CV1173

HEA, 2011 WL 3847412, at \*6 (E.D. Mo. Aug. 27, 2011) (finding unlawful detainer action

implicated an important state interest under Younger). Finally, Plaintiffs have adequate

opportunity to raise her federal claims in the state proceeding. In fact, they have already raised

them in each case. Accordingly, *Younger* abstention is appropriate here.

This case is DISMISSED WITHOUT PREJUDICE. All pending motions are DENIED

AS MOOT.

IT IS SO ORDERED.

Date: <u>September 25, 2024</u>

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT

<sup>1</sup> Further, Plaintiffs raised these arguments in a separate quiet title action filed in the Circuit Court of Jackson County, Missouri. See Alice M Riding v. United Consumer Credit Union, et al., No. 2416-CV11921. That case was dismissed without prejudice because Plaintiffs are not licensed to practice law in the State of Missouri and purported to represent

the trust which holds title to the Property. See id.

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